

ATTACHMENT A

11.00: Licensing Requirements for Competitive Suppliers and Electricity brokers

11.01: Purpose and Scope.

- (a) Purpose. The purpose of this Section is to establish licensing requirements for Competitive Suppliers and Electricity Brokers, as defined below. This Section governs application for initial license and for renewal of license.
- (b) Scope. This Section applies to all Competitive Suppliers and Electricity Brokers, as defined below, doing business in the Commonwealth.

11.02: Specific Definitions.

Aggregator means an entity that groups together electricity customers for retail sale purposes, except for public entities, quasi-public entities or authorities, or subsidiary organizations thereof, established pursuant to the laws of the Commonwealth.

Applicant means any entity required by the General Laws or by these regulations to file for licensure as a Competitive Supplier or Electricity Broker.

Competitive Supplier means an entity, including but not limited to Generation Companies and Aggregators, that produces, purchases or otherwise takes title to electricity and sells it to Retail Customers, with the following exceptions: (1) a distribution company providing standard offer service and default service to its distribution customers, and (2) a municipal light department that is acting as a distribution company.

Electricity Broker means an entity, including but not limited to an Aggregator, that facilitates or otherwise arranges the purchase and sale of electricity, but does not produce, purchase or otherwise take title to any of the electricity sold.

Generation Company means an entity engaged in the business of producing, manufacturing, or generating electricity.

NEPOOL means the New England Power Pool and its successors.

Retail Customer means a customer that purchases electricity for its own consumption.

11.03: Licensing Requirements.

- (a) Information Filing Requirements. Before initiating service to Retail Customers, each Applicant shall make application for license and shall file for review and approval with the Department's Secretary, in such form as is prescribed by the Secretary, a notarized document, signed by two officers of the Applicant, that includes the information identified below, except that an Electricity Broker shall not be required to provide the information described in subdivisions 10 and 14, below:
1. Legal name;
 2. Business address;
 3. A description of the company's form of ownership. If a corporation, association, or partnership (A) the name of the state where organized, (B) the date of organization, (C) a copy of the Articles of Organization or Incorporation (filed with the Secretary of State under G.L.c. 156B or, if incorporated in another state, by the cognizant approving authority established by law) or Association, partnership agreement, or other similar document regarding legal organization, (D) by-laws, and (E) the name, address and title of each officer and director, partners, or other similar officers;
 4. A statement (with appropriate citation to corporate articles or by-laws or other operative documents) that acting as a Competitive Supplier or Electricity Broker is not an *ultra vires* purpose (beyond the scope) of the entity;
 5. A summary of any history of bankruptcy, dissolution, merger or acquisition of the entity in the two calendar years immediately preceding application;
 6. Name, title, and an 800 or toll-free telephone number of customer service department or contact person available to customers;
 7. Name, title, and telephone number of regulatory contact person;
 8. Name and address of Resident Agent for Service of Process in Massachusetts for purposes of G.L. c. 223A, § 3;
 9. Brief description of the nature of business being conducted, including types of customers to be served and geographic area in which services are to be provided;
 10. A statement that the applicant will comply with the information disclosure regulations promulgated by the Department;

11. Documentation regarding any valid purchased power contract between the Applicant, its affiliates, its parent or subsidiary, and any electric company formed pursuant to the provisions of G.L. c. 164 including documentation that such contracts that are above-market are currently subject to renegotiation pursuant to the provisions of G.L. c. 164, § 1(G)(d)(2), as amended;
12. Documentation of technical ability to generate or otherwise obtain and deliver electricity, or provide other proposed services;
13. Documentation of financial capability (such as the level of capitalization or corporate parent backing) to provide proposed services;
14. Documentation that the Competitive Supplier is a NEPOOL participant or will meet its transaction requirements through a contractual arrangement with a NEPOOL participant. Such documentation may satisfy the requirements set forth in items (12) and (13), above;
15. Evidence or documentation of attendance at a Competitive Supplier training session to be sponsored by the Massachusetts Distribution Companies, as set forth in the Electronic Business Transaction Standards Working Group Report, as amended from time to time, on file with the Department; and
16. Declaration under penalties of perjury pursuant to G.L. c. 268, § 6, that all statements made in the application are true and that the officers signing the application are duly authorized to represent the applicant. The declaration shall include evidence that the declarants are authorized as agents of the Applicant to apply for license on its behalf.

Within 30 days of any material or organic (G.L. c. 156B) change in the information required, updated information shall be filed with the Department. Any applicant who knowingly submits misleading, incomplete, or inaccurate information may be penalized in accordance with statute and with the regulations promulgated by the Department.

- (b) Fees. Each Applicant shall pay a filing of one hundred dollars to the Department.
- (c) Department Review. The Department will review the information described above. The Department will inform the Applicant within 20 business days of submission of a complete application whether the licensing application has been approved or rejected.

11.04: Information Disclosure.

As a condition of maintaining or renewing a license, each Competitive Supplier shall comply with the requirements of St. 1997, c. 164, and the rules and regulations promulgated by the Department regarding information disclosure and labeling. Failure to comply with these regulations may result in suspension, revocation or non-renewal of the Applicant's license.

REGULATORY AUTHORITY

220 CMR 11.00: ST. 1997, c. 164, § 193 (M.G.L. c. 164, §§ 1F, 1G).